12-16-04



Atty. Dkt. No. 029815-0101

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Patrick J. Sweeney

Title:

SPINAL DISC PROSTHESIS

SYSTEM

Appl. No.:

10/619,757

Filing Date:

07/15/2003

Examiner:

Art Unit:

3738

CERTIFICATE OF EXPRESS MAILING

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INFORMATION DISCLOSURE STATEMENT **UNDER 37 CFR §1.56**

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR §1.56.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a prima facie art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits.

RELEVANCE OF EACH DOCUMENT

All of the documents are in English.

Applicant respectfully requests that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447.

Respectfully submitted,

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MODIFIED PTO/SB/08 (08-00) Approved for use through 10/31/2002. OMB 0651-0031

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> Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Date Submitted: December 15, 2004

(use as many sheets as necessary)

of Sheet

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Complete if Known			
Application Number	10/619,757		
Filing Date	07/15/2003		
First Named Inventor	Patrick J. Sweeney		
Group Art Unit	3738		
Examiner Name			
Attorney Docket Number	029815-0101		

	U.S. PATENT DOCUMENTS						
Examiner Cite Initials* No.		U.S. Patent Document			Date of Publication of	Pages, Columns, Lines, Where Relevant	
	No. ¹	Number	Kind Code ² (if known)	Name of Patentee or Applicant of Cited Document	Cited Document MM-DD-YYYY	Passages or Relevant Figures Appear	
	A1	2004/0243238	A1	Arnin et al.	12/02/2004		
	A2	6,626,943	B2	Eberlein et al.	09/30/2003		
	A3	6,402,785	B1	Zdeblick et al.	06/11/2002		
	A4	5,683,465		Shinn et al.	11/04/1997		
	A5	5,674,294		Bainville et al.	10/07/1997		
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FOREIGN PATENT DOCUMENTS								
Examiner Initials*	itials* No.1 Office3 Number4 Kind C		Oocument Kind Code (if known)	Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶	
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	NON PATENT LITERATURE DOCUMENTS					
Examiner Initials*	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶			
	A6	International Search Report for International Application No. PCT/US04/22826, 3 pages.				
	A7	Written Opinion for International Application No. PCT/US04/22826, 3 pages.				

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Examiner		Date	
Signature		Considered	
			L

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

¹ Unique citation designation number. 2See attached Kinds of U.S. Patent Documents. 3Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁹Applicant is to place a check mark here if English language Translation is attached.